

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 63

SENATE BILL 1306

AN ACT

AMENDING SECTIONS 32-1422 AND 32-1427, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 13, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1451.02; RELATING TO THE ALLOPATHIC BOARD OF MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1422, Arizona Revised Statutes, is amended to
3 read:

4 32-1422. Basic requirements for granting a license to practice
5 medicine

6 A. An applicant for a license to practice medicine in this state
7 pursuant to this article shall meet each of the following basic requirements:

8 1. Graduate from an approved school of medicine or receive a medical
9 education which the board deems to be of equivalent quality.

10 2. Successfully complete an approved twelve month hospital internship,
11 residency or clinical fellowship program.

12 3. Have the physical and mental capability to safely engage in the
13 practice of medicine.

14 4. Have a professional record which indicates that the applicant has
15 not committed any act or engaged in any conduct which would constitute
16 grounds for disciplinary action against a licensee under this chapter.

17 ~~5. Have a professional record which indicates that the applicant has~~
18 ~~not had a license to practice medicine refused, revoked, suspended or~~
19 ~~restricted in any way by any state, territory, district or country for~~
20 ~~reasons which relate to the applicant's ability to competently and safely~~
21 ~~practice medicine.~~

22 5. HAS NOT HAD A LICENSE TO PRACTICE MEDICINE REVOKED BY A MEDICAL
23 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT
24 OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT
25 PURSUANT TO THIS CHAPTER.

26 6. IS NOT CURRENTLY UNDER INVESTIGATION, SUSPENSION OR RESTRICTION BY
27 A MEDICAL REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR
28 AN ACT THAT OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL
29 CONDUCT PURSUANT TO THIS CHAPTER. IF THE APPLICANT IS UNDER INVESTIGATION
30 BY A MEDICAL REGULATORY BOARD IN ANOTHER JURISDICTION, THE BOARD SHALL
31 SUSPEND THE APPLICATION PROCESS AND MAY NOT ISSUE OR DENY A LICENSE TO THE
32 APPLICANT UNTIL THE INVESTIGATION IS RESOLVED.

33 7. HAS NOT SURRENDERED, RELINQUISHED OR GIVEN UP A LICENSE TO PRACTICE
34 MEDICINE IN LIEU OF DISCIPLINARY ACTION BY A MEDICAL REGULATORY BOARD IN
35 ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
36 JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
37 CHAPTER.

38 ~~6.~~ 8. Pay all fees required by the board.

39 ~~7.~~ 9. Complete the application as required by the board.

40 B. The board may require the submission of such credentials or other
41 evidence, written and oral, and make any investigation it deems necessary to
42 adequately inform itself with respect to an applicant's ability to meet the
43 requirements prescribed by this section, including a requirement that the
44 applicant for licensure undergo a physical examination, a mental evaluation

1 and an oral competence examination and interview, or any combination thereof,
2 as the board deems proper.

3 C. In determining if the requirements of subsection A, paragraph 4
4 have been met, if the board finds that the applicant committed an act or
5 engaged in conduct that would constitute grounds for disciplinary action,
6 the board shall determine to its satisfaction that the conduct has been
7 corrected, monitored and resolved. If the matter has not been resolved, the
8 board shall determine to its satisfaction that mitigating circumstances exist
9 which prevent its resolution.

10 D. In determining if the requirements of subsection A, paragraph 5-
11 6 have been met, if another jurisdiction has taken disciplinary action
12 against an applicant, the board shall determine to its satisfaction that the
13 cause for the action was corrected and the matter resolved. If the matter
14 has not been resolved by that jurisdiction, the board shall determine to its
15 satisfaction that mitigating circumstances exist which prevent its
16 resolution.

17 E. The board may delegate authority to the executive director to
18 deny licenses if applicants do not meet the requirements of this section.

19 Sec. 2. Section 32-1427, Arizona Revised Statutes, is amended to read:

20 32-1427. Application; hearing on deficiencies in application;
21 interview; probationary license

22 A. Each applicant for licensure shall submit a notarized COMPLETED
23 application as prescribed by the board together with the fee prescribed in
24 this article. The application shall indicate whether the application is by
25 written examination or by endorsement. The board may require the submission
26 of any evidence, credentials and other proof necessary for it to VERIFY AND
27 determine if the applicant meets the requirements for licensure.

28 B. Each application submitted pursuant to this section shall contain
29 the oath of the applicant that:

30 1. All of the information contained in the application and
31 accompanying evidence or other credentials submitted are true.

32 2. The credentials submitted with the application were procured
33 without fraud or misrepresentation or any mistake of which the applicant is
34 aware and that the applicant is the lawful holder of the credentials.

35 3. The applicant authorizes the release of any information from any
36 source requested by the board necessary for initial and continued licensure
37 in this state.

38 C. All applications, completed or otherwise, together with all
39 attendant evidence, credentials and other proof submitted with the
40 applications are the property of the board.

41 D. The board, promptly and in writing, shall inform an applicant of
42 any deficiency in the application that prevents the application from being
43 processed.

44 E. On request the board shall grant an applicant who disagrees with
45 the statement of deficiency a hearing before the board at its next regular

1 meeting if there is time at that meeting to hear the matter. The board shall
2 not delay this hearing beyond one regularly scheduled meeting. At any
3 hearing granted pursuant to this subsection, the burden of proof is on the
4 applicant to demonstrate that the alleged deficiencies do not exist.

5 F. Applications are considered withdrawn:

6 1. On the applicant's written request.

7 2. Except for good cause shown, if the applicant does not appear for
8 an interview with the board.

9 3. If the applicant does not submit within one year of notification
10 the necessary evidence, credentials or other proof identified by the board
11 as being deficient pursuant to subsection D of this section.

12 G. The board may deny a license to an applicant who does not meet the
13 requirements of this article.

14 H. If an applicant does not meet the requirements of section 32-1422,
15 subsection A, paragraph 3 the board may issue a license subject to any of the
16 following probationary conditions:

17 1. Require the licensee's practice to be supervised by another
18 physician.

19 2. Restrict the licensee's practice.

20 3. Require the licensee to continue medical or psychiatric treatment.

21 4. Require the licensee to participate in a specified rehabilitation
22 program.

23 5. Require the licensee to abstain from alcohol and other drugs.

24 I. If the board offers a probationary license to an applicant pursuant
25 to subsection H of this section, it shall notify the applicant in writing of
26 the following:

27 1. The applicant's specific deficiencies.

28 2. The probationary period.

29 3. The applicant's right to reject the terms of probation.

30 4. If the applicant rejects the terms of probation, the applicant's
31 right to a hearing on the board's denial of the application.

32 Sec. 3. Title 32, chapter 13, article 3, Arizona Revised Statutes, is
33 amended by adding section 32-1451.02, to read:

34 32-1451.02. Disciplinary action; reciprocity

35 A. THE BOARD SHALL INITIATE AN INVESTIGATION PURSUANT TO SECTION
36 32-1451 IF A MEDICAL REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED
37 STATES HAS TAKEN DISCIPLINARY ACTION AGAINST A LICENSEE FOR AN ACT THAT
38 OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT
39 PURSUANT TO THIS CHAPTER.

40 B. THE BOARD SHALL ORDER THE SUMMARY SUSPENSION OF A LICENSE PENDING
41 PROCEEDINGS FOR REVOCATION OR OTHER ACTION IF A MEDICAL REGULATORY BOARD IN
42 ANOTHER JURISDICTION IN THE UNITED STATES HAS TAKEN THE SAME ACTION BECAUSE
43 OF ITS BELIEF THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IMPERATIVELY REQUIRED
44 EMERGENCY ACTION.

APPROVED BY THE GOVERNOR APRIL 6, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2001.

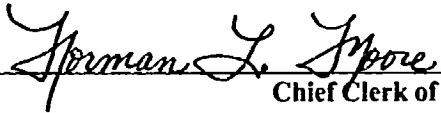
Passed the House March 26, 20 01,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting



Speaker of the House

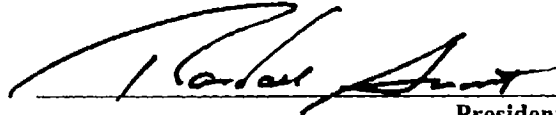


Chief Clerk of the House


Passed the Senate February 26, 20 01,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1306

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

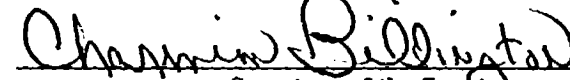
Passed the Senate April 3, 2001,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate



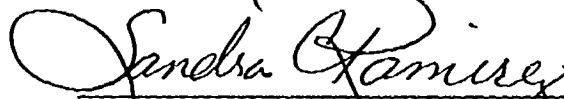
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2001,

at 12:35 o'clock P M.

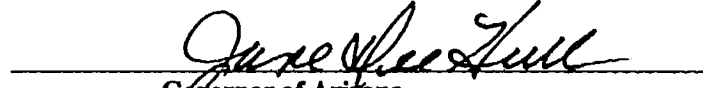


Secretary to the Governor

APPROVED THIS 6th day of

April, 2001,

at 11:04 o'clock P M.



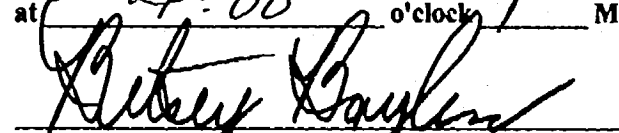
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of April, 2001,

at 4:00 o'clock P M.



Secretary of State

S.B. 1306